

23 JUN 1978

PROPOSED AMENDMENTS CONCERNING THE
APPLICABILITY TO INTELLIGENCE AGENCIES
OF THE MERIT PRINCIPLES CONTAINED IN
H.R. 11280, THE
"CIVIL SERVICE REFORM ACT OF 1978"

1. AMEND PROPOSED "CHAPTER 23. - MERIT SYSTEM PRINCIPLES"
OF THE COMMITTEE PRINT DATED JUNE 15, 1978 OF H.R. 11280
AS FOLLOWS:

a. Amend subsection (a) to read as follows:

"(a)(1) Except as provided in paragraph
(2) of this subsection and in subsection (e) of
section 2302, this chapter shall apply to - "

* * *

b. Insert a new paragraph (2) to subsection (a)
of section 2301, as follows:

"(2) This Chapter shall not apply to the
Central Intelligence Agency or to the National
Security Agency except that these Agencies
should adhere to the concepts contained in
the merit principles in subsection (c) of this
section, but the merit principles shall not
be construed to impair the authorities and
responsibilities set forth in the National
Security Act of 1947, as amended (50 U.S.C.
403), the Central Intelligence Agency Act of
1949, as amended (50 U.S.C. 403a et seq.),
50 U.S.C. 402 Note, and 50 U.S.C. 833."

c. Delete paragraph (B) of subsection (e) of
section 2302.

2. IN EXPLANATION OF THE AMENDMENTS PROPOSED ABOVE,
THE FOLLOWING REPORT LANGUAGE IS PROPOSED:

[Note: The proposed amendments to subsection (a) of section 2301 and paragraph (B) of subsection (e) of Section 2302 would not alter the scope of these sections except insofar as excluding the Central Intelligence Agency and the National Security Agency from the provisions of Chapter 23 generally, but providing that these named agencies shall adhere to the merit principles in paragraph (c) of section 2301 under the terms specified in the new proposed paragraph (2) of subsection (a) of section 2301.]

Paragraph (2) of subsection (a) of section 2301 is intended to make clear and reflect that the Central Intelligence Agency (hereinafter "CIA") and the National Security Agency (hereinafter "NSA") shall not be subject to the provisions of Chapter 23 except that CIA and NSA should adhere to the merit system principles in subsection (c) to the extent possible consistent with national security considerations. For example, the Committee intends that the personnel management of CIA and NSA should be implemented so that all applicants and employees receive fair and equitable treatment without regard to the factors enumerated in paragraph (c) (2), but that adherence to these factors shall be fully consistent with the need to ensure that applicants and employees meet the security and loyalty requirements of those agencies. These requirements are based on the authorities and requirements contained in the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), 50 U.S.C. 402 Note, and 50 U.S.C. 833. It is also necessary, however, that CIA and NSA not be subject to the other provisions of this Chapter because these Agencies, based on their unique missions and essential security needs, must retain the flexibility in their personnel management to meet the demands imposed by the President and the National Security Council, and which reflect the ever-changing circumstances and character of events abroad. The Committee, while recognizing and supporting these considerations, however, expects that the process of developing comprehensive intelligence charter legislation (now before the Select Committee on Intelligence) will consider fully the particular personnel management systems and needs of CIA and NSA. The action of this Committee in adopting paragraph 2301 (a)(2) is consistent with maintaining the status quo as regards the status of the personnel systems of CIA and NSA.

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NSA

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Office of General Counsel
National Security Agency

28 June 1978

Attached for your information is the paper
we prepared on the Civil Service Reform Bill,
which we gave to selected staffers and Congressmen.

[redacted]
Office of Legislative Counsel

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